

## Supplemental Educational Services (SES) [Section 1116(e)]

### LEA Provider Agreement Statutory Requirements [Section 1116(e)(3)]

**Please Note:**

The following contracts are provided as *sample* documents only. The Department of Education has provided these sample contracts for school divisions as models from which to develop their own contracts. The department cannot certify that the contents of the sample contracts comply with the local school division requirements. When entering into a contract with a SES provider, the five (5) components listed below are required under the *No Child Left Behind Act of 2001*. Additional contractual provisions included in the SES contract outside of the five (5) required components are optional.

**Required Components for a Supplemental Educational Services Contract:**

AGREEMENT– In the case of the selection of an approved provider by a parent, the local educational agency shall enter into an agreement with such provider. Such agreement shall:

- 1) require the local educational agency to develop, in consultation with parents (and the provider chosen by the parents); a) a statement of specific achievement goals for the student; b) how the student's progress will be measured; and c) a timetable for improving achievement that, in the case of a student with disabilities, is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act;
- 2) describe how the student's parents and the student's teacher or teachers will be regularly informed of the student's progress;
- 3) provide for the termination of such agreement if the provider is unable to meet such goals and timetables;
- 4) contain provisions with respect to the making of payments to the provider by the local educational agency; and
- 5) prohibit the provider from disclosing to the public the identity of any student eligible for, or receiving, supplemental educational services under this subsection without the written permission of the parents of such student.

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